

Malraju Venkata Ramakrishna Rao Garu and another - - *Appellants*

v.

Koppuravuri Sriramulu and others - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT MADRAS.

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JUDGMENT OF THE LORDS OF JUDICIAL COMMITTEE OF THE PRIVY  
COUNCIL, DELIVERED THE 15TH FEBRUARY, 1924.

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*Present at the Hearing :*

LORD SHAW.

LORD BLANESBURGH.

MR. AMEER ALLI.

LORD SALVESEN.

[*Delivered by LORD SHAW.*]

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The Board does not think it necessary to call upon Counsel for the respondents.

Their Lordships in the present case think that no necessity is laid upon them to enter into any details of fact.

The entire question for determination between the parties to the appeal is whether this suit is barred by limitation. And the settlement of that question depends upon the fixture of the date of the death of a certain widow called Lakshmi Papamma Rao Garu.

The appellants who seek to dispossess the respondents maintain that this widow died in the year 1898, on a date four days within the lapse of 12 years prior to the initiation of the suit, whereas the respondents have maintained successfully before the High Court that that fact has not been established. It is admitted that the onus of proving this averment rests upon the appellants. The respondents' own averment on the subject is that the lady died about three years before, namely, in November, 1895.

Has it been satisfactorily proved that this lady died in 1898 ? In their Lordships' opinion it has not been proved. They have gone out of their way themselves to look at the important item of documentary evidence which the appellants produced—an alleged private register in which the crucial entry is apparently interpolated among faded brown entries and is in bright blue ink. The inspection of documents confirms their opinion, concurring with that of the High Court, that the register is not of such a character as to enable them to pronounce affirmatively that the entry in question was made at the date alleged. And in short, without entering into details of the case, their Lordships are not satisfied that the High Court have come to any erroneous conclusion upon the primary and radical fact in this case, namely, the date of this lady's death.

In these circumstances they will humbly advise His Majesty that the appeal should fail, and that the appellants should be cast in the costs thereof.



In the Privy Council.

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MALRAJU VENKATA RAMAKRISHNA RAO  
GARU AND ANOTHER

v.

KOPPURAVURI SRIRAMULU AND OTHERS.

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DELIVERED BY LORD SHAW.

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